

EXHIBIT 1

**UNREDACTED VERSION
OF DOCUMENT
SOUGHT TO BE SEALED**

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 WAYMO LLC

14 Plaintiffs,

15 v.

16 UBER TECHNOLOGIES, INC.;
17 OTTOMOTTO, LLC; OTTO TRUCKING
18 LLC,

19 Defendants.

Case No. 17-cv-00939-JCS

**PLAINTIFF’S FIRST SUPPLEMENTAL
OBJECTIONS AND RESPONSES TO
UBER’S FIRST SET OF
INTERROGATORIES (NOS. 1-11)**

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1 illustrative example, Waymo’s efforts to discover relevant evidence were thwarted by evasive
2 testimony from Defendants’ employees Gaetan Pennecot (Pennecot Dep. 62:3-13, 69:14-15) and
3 Daniel Gruver (Gruver Dep. 45:13-46:19) suggesting that [REDACTED] used in Fuji did not [REDACTED]
4 [REDACTED], which was later contradicted by testimony provided by James Haslim in
5 his court-ordered deposition (Haslim May 4 Dep. 50:14-51:9), as well as by misleading testimony
6 from Gruver (Gruver Dep. 51:4-15) suggesting that Velodyne’s LiDARs [REDACTED],
7 which was later contradicted in Haslim’s court-ordered deposition (Haslim May 4 Dep. 165:1-11).

SPECIFIC OBJECTIONS AND RESPONSES

10 Waymo expressly incorporates the above objections as though set forth fully in response to
11 each of the following individual interrogatories, and, to the extent that they are not raised in the
12 particular response, Waymo does not waive those objections.

INTERROGATORY NO. 1:

15 Identify each alleged Waymo trade secret from “Plaintiff’s List of Asserted Trade Secrets
16 Pursuant to Cal. Code Civ. Proc. Section 2019.210,” served on March 10, 2017, that You contend
17 is used by Uber, and identify all facts and Documents (by Bates number) that you believe support
18 Your contention.

RESPONSE TO INTERROGATORY NO. 1:

21 Waymo incorporates by reference its General Objections. Waymo further objects to this
22 interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive, including to
23 the extent that it asks Waymo to respond separately for each alleged Waymo trade secret. Waymo
24 further objects to this request to the extent it is compound, complex, and contains multiple
25 subparts. Waymo further objects to this interrogatory as premature to the extent it calls for
26 information that is subject to expert testimony. Waymo will provide expert testimony in
27 accordance with the Court’s procedural schedule.

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1 Subject to and without waiving the foregoing General and Specific Objections, Waymo
2 responds as follows:

3 The head of Defendants’ self-driving car program, Anthony Levandowski took from
4 Waymo over 14,000 design files containing Waymo’s proprietary information, as well as other
5 proprietary documents describing Waymo’s confidential trade secrets. *See* Declaration of Gary
6 Brown (“Brown Decl.”); Deposition Transcript of Anthony Levandowski (“Levandowski Dep.”)
7 at 20:9-24, 100:9-101:15, 115:3-16. The stolen files describe and contain certain of Waymo’s
8 asserted trade secrets including Trade Secret Nos. 1-8, 14-17, 19, 20, 38, 39, 42, 43, 46, 48, 49, 62,
9 63, and 75-109 from Waymo’s List of Asserted Trade Secrets. *See* Dkt. No. 25-7. Mr.
10 Levandowski, on behalf of Uber and in coordination with other Uber employees, including former
11 Waymo employees, used these files to design and build LIDAR designs and systems that include
12 information contained in and derived from Waymo’s trade secrets. *See* Levandowski Dep. at
13 20:9-24, 100:9-101:15, 115:3-16; *see also* Uber’s Response to Court Ordered Interrogatory No. 1,
14 Dkt. No. 265-1. They also used know-how contained in and derived from Waymo’s trade secrets
15 to determine risks and benefits associated with various LiDAR designs and systems, including
16 Trade Secret Nos. 110-121. *See id.* Further evidence of Uber’s use of Waymo’s asserted trade
17 secrets is provided below:

Trade Secret Nos. 1 and 4

18
19 Uber does not dispute that it uses Trade Secret Nos. 1 and 4. Uber uses Trade Secret No. 1
20 at least because [REDACTED]

21 [REDACTED]
22 [REDACTED] Uber uses
23 Trade Secret No. 4 at least because the Fuji device includes [REDACTED]

24 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
25 [REDACTED] Example documents describing Uber’s use of Trade Secret Nos. 1 and 4
26 include the following: Declaration of Scott Boehmke (“Boehmke Decl.”); Declaration of James
27 Haslim (“Haslim Decl.”), Ex. B; Deposition Transcript of James Haslim (“Haslim Tr.”) at 125:19-
28 126:1; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji

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1 device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device,
2 including UBER00011690-708, Document Production of Gorilla Circuits, including GOR
3 000001-174.

4 **Trade Secret Nos. 2, 3, and 6**

5 Uber uses Trade Secret No. 2 at least because the Fuji device includes or is derived from a

6 [REDACTED]

7 [REDACTED]

8 [REDACTED] Uber uses Trade Secret No. 3 at least because the Fuji
9 device includes or is derived from [REDACTED]

10 [REDACTED]

11 [REDACTED] Uber uses Trade Secret No. 6 at
12 least because the Fuji device includes or is derived [REDACTED]

13 [REDACTED]

14 [REDACTED] [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 Example documents describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the
26 following: Haslim Decl., ¶ 15, Ex. B; WAYMO-UBER00000635; Fuji device produced for
27 inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296;

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1 CAD drawings of the Fuji device, including UBER00011690-708, Document Production of
2 Gorilla Circuits, including GOR 000001-174.

3 **Trade Secret No. 5**

4 Uber uses Trade Secret No. 5 at least because the Fuji device includes [REDACTED]
5 [REDACTED] Example documents
6 describing Uber’s use of Trade Secret Nos. 2, 3, and 6 include the following: Fuji device produced
7 for inspection; photographs of the Fuji device, including WAYMO-UBER00000635;
8 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
9 UBER00011690-708, Document Production of Gorilla Circuits, including GOR 000001-174.

10 **Trade Secret No. 7**

11 Uber does not deny that it uses Trade Secret No. 7. Uber uses Trade Secret No. 7 at least
12 because the Fuji device includes [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED] Example documents describing Uber’s
16 use of Trade Secret No. 7 include the following: Deposition Transcript of Michael Lebby (“Lebby
17 Tr.”) at 58:16-23; Deposition of Gaetan Pennecot (“Pennecot Tr.”); Haslim Tr. at 64:49;
18 WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,
19 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
20 UBER00011690-708.

21 **Trade Secret No. 8**

22 Uber does not dispute that it uses Trade Secret No. 8. Uber uses Trade Secret No. 8 at
23 least because the Fuji device includes [REDACTED]

24 [REDACTED]
25 [REDACTED]
26 Example documents describing Uber’s use of Trade Secret No. 8 include the following:
27 WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device,

28

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1 including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 2 UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Trade Secret Nos. 9 and 10

4 Uber uses Trade Secret No. 9 at least because the Fuji device includes [REDACTED]
 5 [REDACTED]
 6 [REDACTED]
 7 [REDACTED]
 8 [REDACTED]

9 [REDACTED] Uber uses Trade Secret No. 10 at least because the Fuji device uses [REDACTED]
 10 [REDACTED]
 11 [REDACTED]
 12 [REDACTED] Example

13 documents describing Uber’s use of Trade Secret Nos. 9 and 10 include the following:
 14 Supplemental Declaration of James Haslim (“Haslim Supp. Decl.”) ¶ 15; Supplemental
 15 Declaration of Michael Lebby (“Lebby Supp. Decl.”) ¶ 25, including cited CAD drawing and
 16 [REDACTED]; UBER00006248; UBER00006251; UBER00011317; UBER00011473
 17 UBER00011612; UBER00011613; UBER00011263; Pennecot Tr.; Haslim Tr. at 161:8-165:14,
 18 194:6-17; Fuji device produced for inspection; photographs of the Fuji device, including
 19 UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including
 20 UBER00011690-708; Uber’s Responses to Waymo’s Second Set of Expedited Interrogatory Nos.
 21 10 and 11.

Trade Secret No. 13

23 Uber does not dispute that it uses Trade Secret No. 13. Uber uses Trade Secret No. 13 at
 24 least because the Fuji device [REDACTED]
 25 [REDACTED]

26 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
 27 UBER00006246; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of
 28 the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji

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1 device, including UBER00011690-708; Document Production of Gorilla Circuits, including GOR
2 000001-174.

3 **Trade Secret No. 14**

4 Uber uses Trade Secret No. 14 at least because the Fuji device implements [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 [REDACTED] Example documents describing Uber’s use of Trade Secret No. 13 include the following:
9 Haslim Decl., Ex. B; Haslim Supp. Tr. at 114:4-115:23; WAYMO-UBER00000635; Fuji device
10 produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274,
11 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document Production
12 of Gorilla Circuits, including GOR 000001-174.

13 **Trade Secret No. 19**

14 Uber does not dispute that it uses Trade Secret No. 19. Uber uses Trade Secret No. 19 at
15 least because the Fuji device includes [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]

19 [REDACTED] Example documents describing
20 Uber’s use of Trade Secret No. 13 include the following: UBER00011242; Fuji device produced
21 for inspection; photographs of the Fuji device, including UBER00006261-264, 275, 277, 279-258;
22 CAD drawings of the Fuji device produced for inspection.

23 **Trade Secret Nos. 48 and 90**

24 Uber uses Trade Secret No. 48 at least because the Spider device includes [REDACTED]
25 [REDACTED]
26 [REDACTED]

27 [REDACTED] Uber uses Trade Secret No. 90 at least because the Spider
28 device [REDACTED]

[REDACTED] Example

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documents describing Uber’s use of Trade Secret Nos. 48 and 90 include the following: UBER00005076; UBER00005076; UBER00005077; UBER00011676; UBER00011678; UBER00017389; Khirshagar Tr. at 34:6-37:4; Haslim Supp. Decl. ¶ 7; Haslim Tr. at 17:24-24:24; Haslim Dep. Ex. 150; Spider device produced for inspection; photographs of the Spider device, including UBER00006265-71.

Trade Secret Nos. 94-99

Uber uses Trade Secret Nos. 94-99 at least because the Fuji device includes [REDACTED]

[REDACTED] Example documents describing Uber’s use of Trade Secret Nos. 94-99 include the following: Haslim Decl., Ex. B; WAYMO-UBER00000635; Fuji device produced for inspection; photographs of the Fuji device, including UBER00006244-254, 272-274, 289-296; CAD drawings of the Fuji device, including UBER00011690-708; Document Production of Gorilla Circuits, including GOR 000001-174.

Discovery is ongoing and Waymo reserves the right to supplement this response after further discovery and investigation into Uber’s use of Waymo’s trade secrets.

INTERROGATORY NO. 2:

Separately for each alleged Waymo trade secret identified in response to Interrogatory No. 1, identify each Person who you claim has knowledge that Uber has used that trade secret, and your basis for asserting that that person has knowledge of use of that specific trade secret.

RESPONSE TO INTERROGATORY NO. 2:

Waymo incorporates by reference its General Objections. Waymo further objects to this interrogatory on the grounds that it is overbroad, unduly burdensome, and oppressive, including to the extent that it asks Waymo to respond separately for each alleged Waymo trade secret. Waymo further objects to this request to the extent it is compound, complex, and contains multiple subparts.

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1 00026483, WAYMO-UBER-00026485, WAYMO-UBER-00026486, WAYMO-UBER-
2 00026487, WAYMO-UBER-00026488, WAYMO-UBER-00026489, WAYMO-UBER-
3 00026490, WAYMO-UBER-00026491, WAYMO-UBER-00026492, WAYMO-UBER-
4 00026493, WAYMO-UBER-00026495, WAYMO-UBER-00026496, WAYMO-UBER-
5 00026497, WAYMO-UBER-00026498, WAYMO-UBER-00026500, WAYMO-UBER-
6 00026501, WAYMO-UBER-00026502, WAYMO-UBER-00026503, WAYMO-UBER-
7 00026504, WAYMO-UBER-00026505, WAYMO-UBER-00026506, WAYMO-UBER-
8 00026507, WAYMO-UBER-00026508, WAYMO-UBER-00026514, WAYMO-UBER-
9 00026516, WAYMO-UBER-00026517, WAYMO-UBER-00026519, WAYMO-UBER-
10 00026521, WAYMO-UBER-00026522, WAYMO-UBER-00026525, WAYMO-UBER-
11 00026526, WAYMO-UBER-00026529, WAYMO-UBER-00026530, WAYMO-UBER-
12 00026531, WAYMO-UBER-00026532, WAYMO-UBER-00026533, WAYMO-UBER-
13 00026534, WAYMO-UBER-00026535, WAYMO-UBER-00026536, WAYMO-UBER-
14 00026539, WAYMO-UBER-00026540, WAYMO-UBER-00026543, WAYMO-UBER-
15 00026544, WAYMO-UBER-00026603, WAYMO-UBER-00026604, WAYMO-UBER-
16 00026725, WAYMO-UBER-00026727, WAYMO-UBER-00026888, WAYMO-UBER-
17 00027015, WAYMO-UBER-00027016, WAYMO-UBER-00027017, WAYMO-UBER-
18 00027018, WAYMO-UBER-00027019, WAYMO-UBER-00027020, WAYMO-UBER-
19 00027034, WAYMO-UBER-00027035, WAYMO-UBER-00027037, WAYMO-UBER-
20 00027038, WAYMO-UBER-00027039, WAYMO-UBER-00027040, WAYMO-UBER-
21 00027041.

22 Waymo will further investigate this interrogatory and will supplement its response if
23 necessary.

24 DATED: July 13, 2017

QUINN EMANUEL URQUHART & SULLIVAN,
LLP

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26

By /s/ Charles K. Verhoeven

27

Charles K. Verhoeven
Attorneys for WAYMO LLC

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